

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE CHARLES ROSE #235893,

Plaintiff,

Case No. 1:22-cv-891

v.

HONORABLE PAUL L. MALONEY

SHAWNDA COPE, et al.,

Defendants.

/

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants Cope and Houtz filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on January 22, 2025, recommending that this Court grant the motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 133) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 102) is GRANTED IN PART AND DENIED IN PART. Specifically, summary judgment is granted as to Plaintiff's Eighth Amendment claim against Defendant Cope and his purported conspiracy claim against Defendants Cope and Houtz. Summary judgment is denied with regard to the retaliation claims against Defendants Cope and Houtz and the First Amendment mail interference claim against Defendant Cope. Plaintiff's state-law claims also remain.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Dated: February 20, 2025

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge